

Remarks/Arguments

The examiner in an Office Action dated 31 July 2002 rejected all of the pending claims 1-15. As such, this Office Action and the references cited therein have been carefully considered and this amendment is now presented in an effort to comply with Patent Office requirements and advance prosecution of the application.

In paragraph 1 of the Office Action the examiner noted that he did not consider an Information Disclosure Statement dated 1/8/2002 for failing to comply with 37 CFR 1.98(a)(2) which requires a legible copy. According to applicant's records, the subject Information Disclosure Statement is entitled a Supplemental Disclosure Statement and was mailed on 29 October 2001 as evidenced by a Certificate of Mailing attached to the Supplement Disclosure Statement. A Form PTO 1449 was attached to the Supplemental Disclosure Statement listing the prior art cited in by the European Patent Office in a corresponding European Application. A copy of the European Office Action was also included with the Supplemental Disclosure Statement. Also copies of all cited art was included with this filing as evidenced by a copy of the stamped Post Card receipt attached hereto. It is unclear to the applicant if the submitted copies of the prior art became separated by the Supplemental Disclosure Statement because of the long pendency at the Post Office before it was dated stamped by the PTO. Or were the copies rendered illegible because of chemicals applied by the Post Office to kill anthrax spores. Whatever the explanation these references should have been considered. Attached hereto is a copy of the Supplemental Disclosure Statement, attachments and required copies of the cited art.

The examiner objected to the drawings, under 37 CFR 1.83(a), as not showing the mechanism required to position the guide vanes as a function of "wind direction" and "inclination of the ground". The examiner's attention is directed to Figures 3 and 4 and paragraphs 30 and 31 of the specification as illustrating the mechanism and describing the function.

The examiner objected to a typographical error in paragraph 23 that has herein been corrected.

The examiner objected to the title as not being descriptive. The title has herein been changed to be more descriptive.

Claims 11 and 14 were objected to as not including a period. These claims

have been corrected herein.

The examiner rejected claims 11-12 and 14-15, under 35 USC 112, as being indefinite for not claiming the apparatus for changing the direction of the guide vanes. There claims have been amended to better define the apparatus.

The examiner rejected claims 1-8 and 11-15 , under 35 USC 102, as being anticipated by Baumgarten et al. The examiner asserts that Baumgarten et al discloses: "a drive (35) operatively coupled to the guide vanes continuously move the vanes back and forth..."

The applicant asserts that Baumgarten et al does not disclose a drive that **continuously moves** the guide vanes transversely back and forth as called for the in claims. Baumgarten et al moves the guide vanes to a selected position based on wind direction and leaves them in this position until the wind direction changes.

The examiner rejected claims 1-3 and 10-15, under 35 USC 102, as being anticipated by Boehm et al. The examiner asserts that Boehm et al discloses: "a drive operatively coupled to the guide vanes continuously move the vanes back and forth in a transverse direction..."

Again the applicant asserts that Boehm et al does not disclose a drive that **continuously moves** the guide vanes transversely back and forth as called for the in claims. In fact Boehm et al does not disclose a drive at all. Furthermore, Boehm et al states that: "The adjustment bars 72, 74 are locked in any desired position relative to the channel member 52 to hold the guide plates 60 in the desired position." (column 2, line 68 and column 3 lines 1-2). The Boehm et al guide vanes are clamped in a desired position and are not continuously moved as called for in the claims.

The title:

**DISTRIBUTING DEVICE HAVING CONTINUOUSLY MOVING GUIDE VANES FOR
A CHOPPER ARRANGEMENT**

[0023] The outlet end of the chopper arrangement 42 is provided with a distributing device 62 for transversely scattering chopped straw. The distributing device 62 is provided with a top plate 60 that can be pivoted about a second axis 58 extending perpendicular to the plane of the drawing. In this way the inclination of the entire distributing device 62 can be adjusted relative to the ground. A number of guide vanes ~~64~~ 62 are arranged underneath the top plate 60. The guide vanes 64 are oblong sheet metal vanes extending downward perpendicular to the top plate 60, that are provided with a curvature directed to the right or the left with respect to the direction of operation of the harvesting machine 10. The distributing device 62 can be provided with a housing, not shown, that is closed at the top, the bottom and at the sides, in order not to dissipate too rapidly the energy of the air flow generated by the drum 48.

10. A distributing device as defined by claim 4 2 wherein the element is rotatively mounted to a mount forming a lever arm that can be selectively pivoted by a regulating motor ~~guide vane is provided with a diffuser.~~

11. A distributing device as defined by claim 10 3 wherein the regulating motor pivots the mount ~~guide vanes can be positioned~~ as a function of the wind direction.

12. A distributing device as defined by claim 10 3 wherein the regulating motor pivots the mount ~~guide vanes can be positioned~~ as a function of the inclination of the ground.

14. An agricultural combine as defined by claim 13 wherein the guide vanes are pivoted back and forth by an element that is rotated by the drive, the element is rotatively mounted to a mount forming a lever arm that can be selectively pivoted by a regulating motor, the regulating motor selectively pivots the mount ~~can be positioned~~ as a function of the wind direction.

15. An agricultural combine as defined by claim 13 wherein the guide vanes are pivoted back and forth by an element that is rotated by the drive, the element is rotatively mounted to a mount forming a lever arm that can be selectively pivoted by a

regulating motor, the regulating motor selectively pivots the mount can be positioned as a function of the inclination of the ground.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



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Cindy Whitacre 22 October 2002
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